

**NOTICE OF CIRCUMSTANCE GIVING TO CLAIM
AND CLAIM PURSUANT TO WIS. STATL 893.80**

CITY OF MILWAUKEE
11 OCT 21 PM 1:16
RONALD D. LEONHARD
CITY CLERK

BY PERSONAL SERVICE

**TO CITY ATTORNEY, GRANT F. LANGLEY
ATTN: City Attorney Grant F. Langley
200 E. Wells ST., ROOM 205
Milwaukee Wis. 53202-3567**

**CLAIMAT NIKOLA STOJSAVLJEVIC
224 w. Lapham Blvd.
Milwaukee , Wis. 53204**

Please take notice that I, Nikola Stojavljevic wish to appeal the city's decision to violate Wis. Stat. section 814.03 and 814.08 .

On June 30 / 2008 , Judge John Frank, Milwaukee County Circuit Court, ordered City of Milwaukee to comply with Wis. Stat. 814.03 and 814.08, and to return COST of APPEAL .

Provided with this letter is a copy of the City of Milwaukee's letter to Judge Frank ,dated November 20 / 2007, City's right to keep cost paid for Appeal .

Judge Frank's letter to City of Milwaukee dated June 23 / 2008 , to appear in court to prove it's case that it had a right to keep COST . .

When Judge Watts overturned the conviction, the City of Milwaukee was required by law to pay back cost .

Judge Watts gives no reason under any Wis. Stat. Law to allow the City of Milwaukee to Not pay back COST .

Judge Watts also chose not to take action against the City of Milwaukee for the violation of Wis. Stat. 943.39(3) FRAUDULENT WRITING. (COPPY PROVIDED)


Nikola Stojavljevic

Oct. 20 / 11

GRANT F. LANGLEY
City Attorney

LINDA ULISS BURKE
Deputy City Attorney



DAVID J. STANOSZ
KURT A. BEHLING
JAY A. UNORA
EDWARD M. EHRLICH
MEGAN T. CRUMP
Assistant City Attorneys

November 20, 2007

Honorable John Franke, Circuit Court Judge
Milwaukee County Courthouse, RM 502
901 N. 9th Street
Milwaukee, WI 53233

Re: City of Milwaukee v. Nikola Stojisavljevic
Case No. 2007CV008969
Municipal Court case No. 07037132

Dear Judge Franke:

In a letter dated November 14, 2007, you were seeking clarification on the City's position regarding this matter. I apologize for the inconvenience this may have caused you.

The City is seeking to dismiss the case with the municipal court forfeiture vacated. If Mr. Stojisavljevic paid the \$30 forfeiture amount for the parking ticket already, then he would be allowed to receive the forfeiture amount back as a result of the dismissal. The \$30 forfeiture amount would be returned back to Mr. Stojisavljevic by the court.

However, it is the City's position that he is not entitled to receive the appeals fees back. Wis. Stats 814.61(8) neither expressly nor impliedly provides for the refund of appeals fees regardless of the outcome.

Hopefully, I have addressed your concerns. If there is anything further that you require of me, please do not hesitate to let me know.

Thank you for your consideration in this matter.

Very truly yours,

Megan T. Crump

MEGAN T. CRUMP
Assistant City Attorney

cc: Nikola Stojavljevic, Honorable Phillip Chavez

Circuit Court

Branch 25

Milwaukee County Courthouse

901 North Ninth Street

Milwaukee, Wisconsin 53233

(414) 278-4955

June 23, 2008

Judge Franke
JUDGE

STEPHANIE JACKSON
COURT REPORTER

VALERIE KO
DEPUTY CLERK

Kurt Behling
Assistant City Attorney
205 Police Administration Building
749 West State Street
Milwaukee, WI 53233

Nikola Stojsavljevic
224 West Lapham Boulevard
Milwaukee, WI 53234

Re: *City of Milwaukee v. Stojsavljevic*, Case No. 07-CV-8969
(Appeal from Municipal Court Case No. 03143007)

Dear Attorney Behling and Mr. Stojsavljevic:

This matter is set for a hearing next Monday on Mr. Stojsavljevic's motion to reopen, which both sides apparently understand to be his request for a refund of the fees he paid to pursue this appeal. While both sides have filed briefs, much remains unclear about the fees and costs that have been collected.

Both sides appear to agree that the City has refunded \$30 paid for "the bond." Mr. Stojsavljevic seeks an additional refund of \$133.50, which presumably relates to a \$123.50 filing fee and a \$10 transcript fee. The \$123.50 fee appears to have been collected by the municipal court and paid to the circuit court. The City appears to concede that Mr. Stojsavljevic is entitled to a refund of the \$40 fee referenced in Wis. Stat. §814.61(8), but nothing more.

The record does not disclose why \$123.50 was collected and why this amount is more than the \$40 fee authorized under Sec. 814.61(8). In order to avoid further delays in this matter, I ask that the City provide, before or at the time of the motion hearing, documentation as to amount and nature of the fees collected and a statement as to the authority for the collection of such fees.

Very truly yours,

John Franke
Circuit Court Judge

9:30AM

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

CITY OF MILWAUKEE,

Plaintiff,

vs.

Case No. 07-CV-8969

NIKOLA STOJSAVLJEVIC,

Defendant.

JUN 30

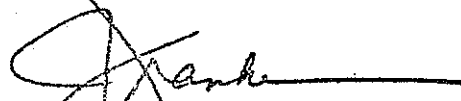
FINAL ORDER FOR PAYMENT OF COSTS

In an order filed March 14, 2008, the court granted Mr. Stojasavljevic's petition for review and vacated the municipal parking forfeiture at issue. The parties agree that the City has refunded the \$30.00 forfeiture that was the subject of this appeal. Pursuant to Wis. Stat. sections 814.03 and 814.08, and for reasons set forth on the record on June 30, 2008:

It is ordered that the City of Milwaukee pay costs to Mr. Stojasavljevic in the amount of \$123.50 for the fees and surcharges paid in municipal court to initiate this appeal, plus a \$10.00 transcript fee paid in municipal court, for total costs of \$133.50

Dated June 30, 2008,

BY THE COURT:



John Franke

Circuit Judge

Branch 25

Caption	Responsible C.O.	Case Number	Class Code
Milwaukee, City of vs. Nickola Stojsavlajevic	J. D. Watts-15	2011TR011721	32999

Name/Alias	Address	City	St	Zip	Sex	Race	DOB
Nickola Stojsavlajevic	224 W Lapham Blvd	Milwaukee	WI	53204			

Filing Date/C.O.	Disposition Date/C.O.	District Attorney	Defense Attorney	Next Action
04-26-2011 J. D. Watts-15		Kurt A Behling		

No.	Description	Class Code	Sev	Plea	Date(s) Committed	Amended From	Disposition	Sent
1	772 Parked Unattended Vehicle 3 Tons or More Citation No. 447471452	32999	Forf. U		07-25-2010			

Date	Court Record Entries	Amount	C.O. Court Reporter Tape/Counter Location
04-26-2011	Municipal appeal		
04-26-2011	Notice of hearing Pre-trial conference on June 1, 2011 at 01:30 pm.		
06-01-2011	Pre-trial conference Defendant Nickola Stojsavlajevic in court. Edward M Ehrlich appeared for the Milwaukee, City of./ SAB Defendant is to submit a brief to the court regarding his position on the matter on or before 6/24/2011, any response by the City should be filed on or before 7/8/2011. Case calendared for DECISION on 7/21/2011 at 1:30 pm in Branch 15.		J. D. Watts-15 CD Recording 1:35
06-13-2011	[SS] Brief DEFENDANTS BRIEF'S RECEIVED AND FILED.		J. D. Watts-15
06-13-2011	Notes Per Deputy Court Clerk, exhibits 1, 2,4,5,6, and 7 received and filed from the defendant in Appeals processing area. Exhibits placed in the file.mg		
07-11-2011	[SS] Memorandum decision MEMORANDUM OF LAW BY THE CITY OF MILWAUKEE PLAINTIFF-RESPONDENT received and filed.		J. D. Watts-15
07-12-2011	[SS] Notes MEMORANDUM OF LAW - DEFENDANT - APPELLANT RESPONSE BRIEF received and filed.		J. D. Watts-15
07-21-2011	Decision Defendant Nickola Stojsavlajevic in court. Kurt A Behling appeared for the Milwaukee, City of. Deputy Court Clerk: ss The City has been unable to provide the exhibits from the original trial. Court ordered the Municiple Court decision reversed. Court ordered this case DISMISSED. Court notes the defendants objection to the courts order that transcript fees and appellee fees are not to be refunded for this case.		J. D. Watts-15 Bonnie Domask 842

Caption	Responsible C.O.	Case Number	Class Code
Milwaukee, City of vs. Nickola Stojsavlajevic	J. D. Watts-15	2011TR011723	32999

Name/Alias	Address	City	St	Zip	Sex	Race	DOB
Nickola Stojsavlajevic	224 W Lapham Blvd	Milwaukee	WI	53204			

Filing Date/C.O.	Disposition Date/C.O.	District Attorney	Defense Attorney	Next Action
04-26-2011 J. D. Watts-15		Kurt A Behling		

No.	Description	Class Code	Sev	Plea	Date(s) Committed	Amended From	Disposition	Sent
1	772 Parked Unattended Vehicle 3 Tons or More Citation No. 449045951	32999	Forf. U		09-29-2010			

Date	Court Record Entries	Amount	C.O. Court Reporter Tape/Counter Location
04-26-2011	Municipal appeal		
04-26-2011	Notice of hearing Pre-trial conference on June 1, 2011 at 01:30 pm.		
06-01-2011	Pre-trial conference Defendant Nickola Stojsavlajevic in court. Edward M Ehrlich appeared for the Milwaukee, City of./ SAB Defendant is to submit a brief to the court regarding his position on the matter on or before 6/24/2011, any response by the City should be filed on or before 7/8/2011. Case calendared for DECISION on 7/21/2011 at 1:30 pm in Branch 15.		J. D. Watts-15 CD Recording 1:35
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stolen property does not require payment. *State v. Spraggin*, 71 Wis. 2d 604, 239 N.W.2d 297 (1976).

943.37 Alteration of property identification marks. Whoever does any of the following with intent to prevent the identification of the property involved is guilty of a Class A misdemeanor:

(1) Alters or removes any identification mark on any log or other lumber without the consent of the owner; or

(2) Alters or removes any identification mark from any receptacle used by the manufacturer of any beverage; or

(3) Alters or removes any manufacturer's identification number on personal property or possesses any personal property with knowledge that the manufacturer's identification number has been removed or altered. Possession of 2 or more similar items of personal property with the manufacturer's identification number altered or removed is prima facie evidence of knowledge of the alteration or removal and of an intent to prevent identification of the property.

(4) Alters or removes livestock brands, recorded under s. 95.11, from any animal without the owner's consent, or possesses any livestock with knowledge that the brand has been altered or removed without the owner's knowledge or consent.

History: 1973 c. 239; 1977 c. 173.

"Similar" under (3) means comparable or substantially alike. *State v. Hamilton*, 146 Wis. 2d 426, 432 N.W.2d 108 (Ct. App. 1988).

943.38 Forgery. (1) Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of a Class H felony:

NOTE: Sub. (1) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(1) Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of a Class C felony:

(a) A writing or object whereby legal rights or obligations are created, terminated or transferred, or any writing commonly relied upon in business or commercial transactions as evidence of debt or property rights; or

(b) A public record or a certified or authenticated copy thereof; or

(c) An official authentication or certification of a copy of a public record; or

(d) An official return or certificate entitled to be received as evidence of its contents.

(2) Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, is guilty of a Class H felony.

NOTE: Sub. (2) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2) Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, is guilty of a Class C felony.

(3) Whoever, with intent to defraud, does any of the following is guilty of a Class A misdemeanor:

(a) Falsely makes or alters any object so that it appears to have value because of antiquity, rarity, source or authorship which it does not possess; or possesses any such object knowing it to have been thus falsely made or altered and with intent to transfer it as original and genuine, by sale or for security purposes; or

(b) Falsely makes or alters any writing of a kind commonly relied upon for the purpose of identification or recommendation; or

(c) Without consent, places upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer or manufacturer; or

(d) Falsely makes or alters a membership card purporting to be that of a fraternal, business or professional association or of a labor union; or possesses any such card knowing it to have been thus

falsely made or altered and with intent to use it or cause or permit its use to deceive another; or

(e) Falsely makes or alters any writing purporting to evidence a right to transportation on any common carrier; or

(f) Falsely makes or alters a certified abstract of title to real estate.

History: 1977 c. 173; 2001 a. 109.

A defendant convicted of forgery (uttering) under sub. (2), may be sentenced to: 1) a prison term not to exceed 10 years; 2) a fine of not more than \$5,000; 3) both a prison term and a fine; 4) probation in lieu of all punishment; 5) probation coupled with a fine; or 6) probation with conditions, which may include restitution; but no statute allows a trial court to impose restitution or any other condition when the statutory penalty rather than probation is selected. *Spannuth v. State*, 70 Wis. 2d 362, 234 N.W.2d 79 (1975).

Acceptance or cashing of a forged check is not an element of uttering under sub. (2). *Little v. State*, 85 Wis. 2d 558, 271 N.W.2d 105 (1978).

Fraudulent use of a credit card need not involve forgery. If forgery is involved, the prosecutor has discretion to charge under s. 943.41 or 943.38. *Mack v. State*, 93 Wis. 2d 287, 286 N.W.2d 563 (1980).

Signed receipts for bogus magazine subscriptions constituted forgery even though the defrauded subscriber did not specifically rely on the receipt. *State v. Davis*, 105 Wis. 2d 690, 314 N.W.2d 907 (Ct. App. 1981).

The absence of a maker's signature did not immunize the accused from the crime of uttering a forged writing. *State v. Machon*, 112 Wis. 2d 47, 331 N.W.2d 665 (Ct. App. 1983).

Depositing a forged instrument into an automated teller machine constitutes "uttering" under sub. (2). *State v. Tolliver*, 149 Wis. 2d 166, 440 N.W.2d 571 (Ct. App. 1989).

Whether a writing is a negotiable instrument and whether the conduct of the victims when presented with the writing was negligent is irrelevant to whether the writings were within the terms of sub. (1) (a). *State v. Perry*, 215 Wis. 2d 696, 573 N.W.2d 876 (Ct. App. 1997).

Sub. (2) does not incorporate the requirement of sub. (1) that the offender act with intent to defraud. *State v. Shea*, 221 Wis. 2d 418, 585 N.W.2d 662 (Ct. App. 1998).

A check maker's intent or reliance on an endorsement are immaterial to the crime of forgery by the endorser. The essence of forgery is the intent to defraud. The use of an assumed name may be a forgery if done for a fraudulent purpose. *State v. Czarnecki*, 2000 WI App 155, 237 Wis. 2d 794, 615 N.W.2d 672.

A person cannot falsely make a postal money order by writing in the name of someone else as the payer as that does not affect the genuineness of the money order itself. It is not forgery to add mere surplusage to a document. *State v. Entringer*, 2001 WI App 157, 246 Wis. 2d 839, 631 N.W.2d 651.

943.39 Fraudulent writings. Whoever, with intent to injure or defraud, does any of the following is guilty of a Class H felony:

NOTE: 943.39 (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

943.39 Fraudulent writings. Whoever, with intent to injure or defraud, does any of the following is guilty of a Class D felony:

(1) Being a director, officer, manager, agent or employee of any corporation or limited liability company falsifies any record, account or other document belonging to that corporation or limited liability company by alteration, false entry or omission, or makes, circulates or publishes any written statement regarding the corporation or limited liability company which he or she knows is false; or

(2) By means of deceit obtains a signature to a writing which is the subject of forgery under s. 943.38 (1); or

(3) Makes a false written statement with knowledge that it is false and with intent that it shall ultimately appear to have been signed under oath.

History: 1977 c. 173; 1993 a. 112; 2001 a. 109.

Sub. (2) does not require proof of forgery. *State v. Weister*, 125 Wis. 2d 54, 370 N.W.2d 278 (Ct. App. 1985).

943.392 Fraudulent data alteration. Whoever, with intent to injure or defraud, manipulates or changes any data, as defined in s. 943.70 (1) (f), is guilty of a Class A misdemeanor.

History: 1993 a. 496.

943.395 Fraudulent insurance and employee benefit program claims. (1) Whoever, knowing it to be false or fraudulent, does any of the following may be penalized as provided in sub. (2):

(a) Presents or causes to be presented a false or fraudulent claim, or any proof in support of such claim, to be paid under any contract or certificate of insurance; or

(b) Prepares, makes or subscribes to a false or fraudulent account, certificate, affidavit, proof of loss or other document or writing, with knowledge that the same may be presented or used in support of a claim for payment under a policy of insurance.